HC-KAR

NC: 2026:KHC:60448
WP No. 32147 of 2025
C/W WP No. 32146 of 2025

CNR: KAHC010695132025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 32147 OF 2025 (KLR-RES)

C/W

WRIT PETITION NO. 32146 OF 2025 (KLR-RES)

IN WP No. 32147/2025

BETWEEN:

M. ANJINAPPA
S/O. LATE MUNIYAPPA,
AGED ABOUT 66 YEARS,
RESIDING AT NO.145,
2ND CROSS, JANANI ENCLAVE,
HURULICHIKKANAHALLI,
HESARAGHATTA HOBLI,
CHIKKABANAVARA POST,
YELAHANKA TALUK,
BENGALURU NORTH TALUK,
BENGALURU-560 090.

…PETITIONER

Digitally signed by VIDYA G R
Location: HIGH COURT OF KARNATAKA

(BY SRI. R.S. RAVI, SENIOR ADVOCATE FOR
SMT. SARASWATHI M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REVENUE DEPARTMENT,
VIKASA SOUDHA,
BANGALORE-560 001,
REPRESENTED BY ITS PRINCIPAL SECRETARY.

2. THE DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT,
DISTRICT OFFICE COMPLEX,
BEERASANDRA VILLAGE,
DEVANGAHALLI TALUK - 562110.

3. TAHASILDAR
MINI VIDHANA SOUDHA,
YELAHANKA, YELAHANKA TALUK,
BENGALURU-560 064.

4. SRI. B. N. JAGANNATHA
S/O.M. NARAYANASWAMY,
AGED ABOUT 54 YEARS,
R/AT NO. 64/1, 1ST MAIN,
3RD CROSS, SEETHARAMAIAH ROAD,
GAVIPURAM EXTENSION,
BENGALURU-560 019.

5. SRI. KRISHNAPPA
S/O. LATE MUNIMALAGAPPA,
AGED ABOUT 70 YEARS,
R/AT HURULICHIKKANAHALLI,
HESARAGHATTA HOBLI,
CHIKKABANAVARA POST,
YELAHANKA TALUK,
BENGALURU NORTH TALUK,
BANGALORE-560 090.

…RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA FOR R1 TO R3;
SMT. BHARATHI M., ADVOCATE FOR R4;
SRI. B. RAMESH, ADVOCATE FOR R5)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR SET

ASIDE THE IMPUGNED ORDER DATED 02.02.2024 BEARING NO. ALN(G)(H)/CR/26/2020-21 PASSED BY RESPONDENT NO.3 VIDE ANNEXURE-L AND ETC.,

IN WP NO. 32146/2025

BETWEEN:

SRI SHUBHAM SHARMA
S/O NATTILAL SHARMA,
AGED ABOUT 28 YEARS,
R/AT SITE NO.165,
HURULICHIKKANAHALLI,
HESARAGATTA HOBLI,
CHIKKABANAVARA POST,
YELAHANKA TALUK,
BENGALURU NORTH TALUK,
BANGALORE-560090.

...PETITIONER

(BY SRI. R.S. RAVI, SENIOR ADVOCATE FOR
SMT. SARASWATHI M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT,
VIKASA SOUDHA,
BANGALORE-560001,
REPRESENTED BY ITS PRINCIPAL SECRETARY.

2. THE DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT
DISTRICT OFFICE COMPLEX,
BEERASANDRA VILLAGE,
DEVANGANAHALLI TALUK-562110.

3. TAHASILDAR,
MINI VIDHANA SOUDHA,
YELAHANKA, YELAHANKA TALUK,
BENGALURU-560064.

4. SRI. B. N. JAGANNATHA
S/O M. NARAYANASWAMY,
AGED ABOUT 54 YEARS,
R/AT NO.64/1, IST MAIN,
3RD CROSS, SEETHARAMAIAH ROAD,
GAVIPURAM EXTENSION,
BENGALURU-560019.

5. SRI. KRISHNAPPA
S/O LATE MUNIMALAGAPPA,
AGED ABOUT 70 YEARS,
R/AT HURULICHIKKANAHALLI,
HESARAGATTA HOBLI,
CHIKKABANAVARA POST,
YELANKA TALUK,
BENGALURU NORTH TALUK,
BANGALORE-560090.

...RESPONDENTS

(BY SMT. ASHVINI PATIL, AGA FOR R1 TO R3;
SMT. BHARATHI M., ADVOCATE FOR R4;
SRI. B. RAMESH, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ART5ICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR SET ASIDE THE IMPUGNED ORDER DATED 02-02-2024 BEARING NO.ALN(G)(H)/CR/26/2020-21 PASSED BY RESPONDENT NO.3 VIDE ANNEXURE-K AND ETC.,

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The present petitions have been filed seeking to set aside the order dated 02.02.2024 passed by respondent No.3 - Tahsildar. Perusal of the said order would reveal that the Tahsildar has passed an order to the effect that the encroachment is required to be removed in terms of the order dated 04.04.2022 and costs to be recovered.

2. Learned Senior Counsel Sri. R.S.Ravi appearing for the petitioners contends that action initiated by the Tahsildar is purportedly under Section 96 of the Karnataka Land Revenue Act, 1964 (for short, 'the Act') and that in terms of Section 96(4) of the Act, the Deputy Commissioner has the power to compound diversion of agricultural land used for any other purpose, without the permission of the Deputy Commissioner. It is submitted that the power of the Deputy Commissioner under Section

96(4), would override the powers conferred under Section 96(1) to (3) and that the Deputy Commissioner having been approached by the landlord ought to have considered exercise of power under Section 96(4) and that the order of the Tahsildar be set aside awaiting the outcome of the application filed by the landlord under Section 96(4) of the Act.

3. Learned counsel Smt. Bharathi M., appearing for respondent No.4 would point out that the Coordinate Bench in W.P.No.36401/2025 called with W.P.No.33654/2025 with respect to the very same order challenged herein viz order dated 02.02.2024 of the Tahsildar, has already disposed of the writ petition refusing to interfere with the order of the Tahsildar and this Court is obliged to take a similar view.

4. Heard both sides.

5. The order passed by the Coordinate Bench in W.P.No.36401/2025 called with W.P.No.33654/2025 reads as follows:

> *"1. In these Writ Petitions, petitioners are assailing the order dated 02.02.2024 passed by respondent No.3 - Tahsildar, Yelahanka Taluk, Bengaluru and the impugned notice dated 30.10.2025 passed by respondent No.3 as to remove the encroachment/construction made in the agricultural land bearing Sy.No. 110/2 measuring 2 acres 7 guntas of land at Huralichikkanahalli Village, Hesaraghatta Hobli, Yelahanka Taluk, Bengaluru District.*
>
> *2. Having heard the learned counsel appearing for the parties and on careful consideration of the proceedings dated 02.02.2024 and the notice dated 30.10.2025 issued by the Tahsildar, Yelahanka Taluk, Bengaluru would indicate that construction has been made in an agricultural land without seeking grant of permission for conversion of the land in question, from the competent authority. In that view of the matter, such construction of building runs contrary to Section 95 of the Karnataka Land Revenue Act, 1964. In that view of the matter, I am of the view*

that, there is no infirmity in the notice dated 30.10.2025 issued by the Tahsildar pursuant to the order dated 02.02.2024, passed by the Tahsildar.

3. It is also to be noted that the Hon'ble Supreme Court in the case of ***RAJENDRA KUMAR BARJATYA AND ANOTHER Vs. U.P. AVAS EVAM VIKAS PARISHAD AND OTHERS,*** *reported in* ***2024 SCC OnLine SC 3767****, held that if any layout has been formed in agricultural land without following the procedure as to conversion of the land for non agricultural purpose, such action on the part of the owners cannot be accepted by the respondent - authorities. Following the aforesaid Judgment, I am of the view that, no interference is called for in these Writ Petitions.*

4. Accordingly, the Writ Petitions are dismissed."

6. Though learned Senior Counsel appearing for the petitioners has raised certain contentions by placing reliance on power conferred on the Deputy Commissioner under Section 96(4) of the Act, however it would not be appropriate to pass an order contrary to the order of the Coordinate Bench insofar as the order dated 02.02.2024

which was the subject matter of challenge in W.P.No.36401/2025, is also challenged in the present proceedings.

7. Accordingly, the petitions are ***rejected***, taking note of the observations of the Coordinate Bench in W.P.No.36401/2025. Needless to state, as regards the application filed under Section 96(4) of the Act before the Deputy Commissioner, this Court leaves it open for consideration as is permissible in law.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR
List No.: 1 Sl No.: 19